IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18996 of 2004

Between:

1.P.Chinna Siva Reddy, S/o.Late Rami Reddy,
O.P.No.451/97, CMP No.3006/04 IN A.S.No.1612 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
2.A.Narayana Reddy, S/o.Veera Reddy,
O.P.No.449/1997, CMP No.3030/04, in A.S.No.1425/02,
R/o.Bathulurupadu village, Banaganapalle Mandal, Kurnool Dist.
3.Ambati Venkata Subba Reddy, S/o.Late venkata Reddy,
O.P.No.450/97, CMP No.3024/04 IN A.S.No.1425 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
4.Pasula Linga Reddy, S/o.P.P.Venkat Reddy,
O.P.No.452/96, CMP No.3017/04 IN A.S.No.1610 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
5.Putcha Nagamma, W/o.Pakki Reddy,
O.P.No.454/97, CMP No.3026/04 IN A.S.No.1450 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
6.P.Ramana Reddy, S/o.Balaswamy Reddy,
O.P.No.443/97, CMP No.3009/04 IN A.S.No.1434 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
7.P.Venkatarami Reddy, S/o.Pulla Reddy,
O.P.No.442/97, CMP No.3025/04 IN A.S.No.1445 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
8.Palle Ramakrishna Reddy, S/o.Pedda Siva Reddy,
O.P.No.455/97, CMP No.3025/04 IN A.S.No.1445 of 2002.
R/o.Bathulurupadi Village, Banaganapalle Mandal, Kurnool Dist.
9. K.Chinnapu Reddy, S/o.Late Chinna Maddileti Reddy,
OP.No.455/97, CMP No.30133/03 in AS No.1374/02,
R/o.Banaganapalle Village & Mandal, Kurnool Dist.
10.N.Yellaiah, S/o.Late Subbarayudu,
OP.No.458/97, CMP No.3010/04 in AS No.1416/02,
R/o.Banaganapalle Village & Mandal, Kurnool Dist.

11.K.Balarosi Reddy, S/o.Late LInga Reddy,
OP No.447/97 CMP No.20480/03 in AS NO.1479/02,

R/o.Bathulurupadu village, Banaganapalle Mandal, Kurnool Dist.
12.Pasula Pedda Siva Reddy, S/o.Bala Venkata Reddy,
OP No.456/97 CMP No.3004/04 in AS NO.1550/02,

R/o.Bathulurupadu village, Banaganapalle Mandal, Kurnool Dist.
13.Pasula Pullamma, W/o.Late Narayana Reddy,
OP No.446/97 CMP No.3005/04 in AS NO.1378/02,

R/o.Bathulurupadu village, Banaganapalle Mandal, Kurnool Dist.
14.Palle Rajeswara Reddy, S/o.Late Sowri Reddy,
OP No.453/97 CMP No.3015/04 in AS NO.1429/02,

R/o.Bathulurupadu village, Banaganapalle Mandal, Kurnool Dist.
15.Bobbala Pedda Thimma Reddy, S/o.Late Thimma Reddy,
R/o.Yennakandla village, Banaganapalle Mandal,
Kurnool Dist. OP.No.448/97, CMP NO.3029/04 in AS.No.1419/02.
16.Rokkam Lakshmi Reddy, S/o. Late Narayana Reddy,
OP No.441/97, CMP NO.30136/03 in AS.NO.1481/02,

R/o.Banaganapalle Village, & Mandal, Kurnool Dist.
17.Gounda Nabi Saheb (d) by his L.R.G.Ismail S/o.Late G.Nabi Saheb,
OP No.457/97, CMP NO.3008/04 in AS.NO.1430/02,

R/o.Banaganapalle Village, & Mandal, Kurnool Dist.
18.K.Rama Veera Reddy, s/o.Late Madduleti Reddy,
OP No.16/95, CMP NO. 5569/04 &12451/04 in AS.NO.754/03 R/o.Banaganapalle Village, & Mandal, Kurnool Dist. **..... PETITIONERS**

AND

1.The Special Deputy Collector, (LAO)

S.R.B.C.Nandyal, Kurnool District.
2.The Income Tax officer, Ward No.1,

Nandyal, Kurnool District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents herein not to deduct any amount from the compensation amounts payable to the writ petitioners under the civil court Decrees towards income tax to be deposited towards interest on solatium and interest on additional market value and pay the amount to the petitioners forthwith.

Counsel for the Petitioners: MR.M.SUBBA REDDY

Counsel for the Respondent No.1: G.P. for Revenue

Counsel for the Respondent No.2: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

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THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18996 of 2004

ORDER: (PER Sri Bilal Nazki, J)

Both Counsel agree that similar controversy has already been decided by a Division Bench of this Court in W.P.No.3934 of 1989 by judgment dated 13th December, 1995 and the present controversy is squarely covered by the said judgment. Therefore, we dispose of this writ petition with a direction that the directions given in W.P.No.3934 of 1989 by the Division Bench of this Court will govern this case as well. No costs.

(BILAL NAZKI, J)

14th October, 2004

(S.ANANDA REDDY, J)

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Copy to:

1.The Special Deputy Collector, (LAO)

S.R.B.C.Nandyal, Kurnool District.
2.The Income Tax officer, Ward No.1,

Nandyal, Kurnool District.

3.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.).

4.Two CD copies.